IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

TUESDAY, THE 19TH JUNE 2007 / 29TH JYAISHTA 1929

Crl.Rev.Pet.No. 928 of 1997()

CRA.304/1996 of IV ADDL.SESSIONS COURT, ERNAKULAM
CC.103/1994 of JUDL.MAGISTRATE OF FIRST CLASS-II, KOCHI

.....

REVN. PETITIONER: APPELLANT/ACCUSED

VAMANA PRABHU
S/O.RATNAKARA PRABHU
HOUSE NO.X/301, AMARAVATHI DESOM
FORT KOCHI VILLAGE

BY ADV. SRI.S.RAJEEV

RESPONDENTS: RESPONDENT/COMPLAINANT

STATE REPRESENTED BY
PUBLIC PROSECUTOR
HIGH COURT OF KERALA .

BY PUBLIC PROSECUTOR SRI.AMJAD ALI

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 19/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

CRL.R.P.NO.928/1997

ORDER ON CRL.M.P.NO.3811/97 IN CRL.R.P.NO.928/1997

DISMISSED

19.6.2007 SD/- K.R.UDAYABHANU, JUDGE

/TRUE COPY/

P.A. TO JUDGE

K.R.UDAYABHANU, J

Crl.R.P.No.928 of 1997

Dated this the 19th day of June, 2007

O R D E R

The revision petitioner stands convicted for the offences under Sections 143, 147, 148, 447, 427, 506(ii), 325 read with Section 149 IPC and sentenced to undergo R.I. for three months each for the offence under Section 143 and 147 IPC, R.I. for six months each for the offences under Sections 148, 447 and 427 IPC and R.I. for one year and a fine of Rs.5,000/- with a default sentence of three months each for the offences under Sections 506(ii) and 325 IPC read with Section 149 IPC. It is directed that the sentences shall run concurrently.

2. The prosecution case is that on 7.10.1992 in the wake of communal disturbances in the area, the accused armed with deadly weapons formed themselves into an unlawful assembly, trespassed into the compound of the CCEA hall at Fort Kochi and the defacto complainant and others who were making arrangements for the marriage of PW2 on the following day was attacked at about 12 O' clock in the night and PW1 and others

jumped from the upper story of the hall to the adjoining compound and as a result, PW1 sustained fracture of the left leg.

3. Counsel for the revision petitioner has only sought for modification of the sentence pointing out that the incident has taken place in the year 1992. About 15 years have lapsed since the date of the incident and so far the petitioners were facing the criminal proceedings. It is also pointed out that right now the parties have settled their differences and are keeping good neighbourly relationship.

4. In the circumstances, the sentence is liable to be modified. Hence, the sentence imposed for the offence under Section 506(ii) is modified to pay a fine of Rs.5,000/- and in default, to undergo simple imprisonment for three months. The punishment for the offence under Section 325 IPC is modified to imprisonment till the rising of the court and to pay a fine of Rs.5,000/- and in default, to undergo simple imprisonment for three months. No separate sentence is awarded for the rest of the offences. The fine amount, if realised, is to be paid to PW1 as compensation under Section 357(1) of the Code of Criminal

Procedure. The revision petitioner shall appear before the JFCM-II, Kochi on 20.7.2007 to receive the sentence.

The criminal revision petition is disposed of accordingly.

K.R.UDAYABHANU,
JUDGE

csl